

REMARKS

This application has been reviewed in light of the Office Action dated October 23, 2003. Claims 1 and 2 have been withdrawn from consideration. Claims 3 and 4 are presented for examination and have been amended to define Applicants' invention more clearly. Claim 3 is the only claim in independent form. Favorable reconsideration is requested.

The Office Action states that the proposed drawing changes submitted with the Amendment filed on December 18, 2002, have been approved. Accordingly, submitted herewith are corrected formal drawings reflecting those changes.

The Office Action states that Claims 3 and 4 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicants have carefully reviewed and amended independent Claim 3, as deemed necessary, with special attention to the points raised in section 4 of the Office Action. In particular, Claim 3 has been amended to recite, *inter alia*, "a coating layer covering a portion of a top surface of the shaving aid strip, wherein a color of the coating layer is different from a color of the shaving aid strip, wherein the portion of the shaving aid strip covered by the coating layer is less than an entirety of the top surface of the shaving aid strip, wherein the coating layer is at least partially soluble in water, and wherein replacement of the shaving aid strip is indicated when the coating layer disappears due to exposure to water, abrasion, or a combination thereof, irrespective of wear on a blade of the razor or the razor cartridge." Applicants submit that, as amended, Claims 3 and 4 comply fully with the second paragraph of § 112, and therefore respectfully request withdrawal of the indefiniteness rejections.

The Office Action states that Claims 3 and 4 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,388,331 (Siamak). Applicants respectfully traverse the rejections and submit that these claims are patentably distinct from Siamak for at least the following reasons.

An aspect of the present invention set forth in Claim 3 is directed to a shaving aid for a razor or a razor cartridge. The shaving aid includes a shaving aid strip and a coating layer covering a portion of a top surface of the shaving aid strip. The portion of the shaving aid strip covered by the coating layer is less than an entirety of the top surface of the shaving aid strip. The shaving aid strip is formed of at least shaving aid material and is of a color that is different from a color of the coating layer. The coating layer is at least partially soluble in water and, when the coating layer disappears due to exposure to water, abrasion, or a combination thereof, replacement of the shaving aid strip is indicated irrespective of wear on a blade of the razor or the razor cartridge.

The significance of this recitation is that the presence of an adequate amount of shaving aid material in the shaving aid strip is always indicated by the coating layer. The particular colors of the coating layer and the shaving aid strip are not important, as long as they are different from each other. Because of this, a user does not need to know which color represents the coating layer and which color represents the shaving aid strip. The user only needs to know that when one of the colors disappears it is time to replace the shaving aid strip.

Siamak relates to a wear indicator for indicating an amount of wear on an edge of a razor blade. As understood by Applicants, Siamak teaches that a coating entirely covers an

upper surface of an underlying layer of the indicator. As such, Siamak's coating forms a solid color at the upper surface of the indicator. Therefore, the only way to know whether the blade is worn is by memorizing what color corresponds to the color of the underlying layer and what color corresponds to the color of the coating, or, alternatively, to wear away the coating to see if there is a contrasting color underneath.

Siamak describes, in reference to Fig. 1, a white strip positioned on a blue razor head, wherein the white strip is gradually worn away to reveal the blue color underneath (see col. 3, lines 28-30). In reference to Fig. 3, Siamak discloses that the coating (upper layer) has a thin edge at one end and a wide edge at the other (see col. 3 lines 45-47). Thus, Siamak's coating (upper layer) completely covers the underlying layer. This is believed to teach away from a coating layer that covers a portion "less than an entirety" of a top surface of a shaving aid strip, as claimed in Claim 3. Similarly, Figs. 4a, 5a, 6, and 7 of Siamak each show an upper layer that completely covers a lower layer.

Because the upper layer of Siamak's wear indicator completely covers the underlying layer, there is no way for a user to know whether there is a contrasting color underneath. As discussed above, the only way the user could know this is to wear away the upper layer.

The shaving aid of Claim 3 provides a significant improvement over what is disclosed in Siamak. Specifically, the coating layer does not entirely cover the shaving aid strip. Therefore, a user can easily see whether there is adequate shaving aid material without having to use the razor/razor cartridge. With Siamak's wear indicator, in contrast, a user would not know if

a blade is worn unless the user actually uses the blade for a while so as to wear away some of the upper layer, or unless he has been told that the color currently visible is the of an upper layer.

Similarly, Siamak also suffers from the disadvantage that when the razor is purchased, the purchaser sees only a single color and therefore does not know whether or not the razor head provides any color change indication, especially if the packaging has been discarded.

The shaving aid of Claim 3 does not suffer from the drawbacks of Siamak discussed above, but instead allows a user to easily determine whether there is adequate shaving aid material remaining in the shaving aid.

In summary, nothing has been found in Siamak that is believed to teach or suggest a shaving aid for a razor or a razor cartridge, wherein the shaving aid includes "coating layer covering a portion of a top surface of the shaving aid strip, wherein a color of the coating layer is different from a color of the shaving aid strip, wherein the portion of the shaving aid strip covered by the coating layer is less than an entirety of the top surface of the shaving aid strip, wherein the coating layer is at least partially soluble in water, and wherein replacement of the shaving aid strip is indicated when the coating layer disappears due to exposure to water, abrasion, or a combination thereof, irrespective of wear on a blade of the razor or the razor cartridge," as recited in Claim 3. Accordingly, Applicants submit that Claim 3 is not anticipated by Siamak and respectfully request withdrawal of the rejection under 35 U.S.C. § 102(e).

Claim 4 depends from Claim 3 and therefore is submitted to be patentable for at least the same reasons presented above. Because Claim 4 also is deemed to define an

additional aspect of the present invention, individual reconsideration of the patentability of Claim 4 its own merits is respectfully requested.

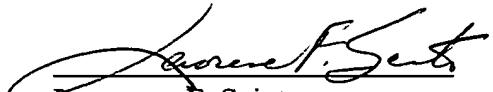
This Amendment After Final Action is believed clearly to place this application in condition for allowance. Therefore, its entry is believed proper under 37 C.F.R. § 1.116 and is respectfully requested, as an earnest effort to advance prosecution and reduce the number of issues. Should the Examiner believe that issues remain outstanding, it is respectfully requested that the Examiner contact Applicants' undersigned attorney in an effort to resolve such issues and advance the case to issue.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

CONCLUSION

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,



Lawrence F. Scinto
Attorney for Applicants
Registration No. 18,973

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

NY_MAIN 417955v1